

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF IDAHO (TWIN FALLS)**
**Name of Debtor**  
 Lynn Ketterling  
 Jeanne Ketterling

**Case Number**  
 03-41318 **12**

**NOTES:** This form should not be used to file a claim for an administrative expense arising after the commencement of the case. A "proof" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.

**Name of Creditor (The person or other entity to whom the debtor owes money or property):**  
 Elmer Ketterling  
**Name and Address where notices should be sent:**

 Elmer Ketterling  
 607 W. Bacon Add N. Road  
 Paul, ID 83347

- ☐ Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.
- ☐ Check box if you have never received any notices from the bankruptcy court in this case.
- ☐ Check box if the address differs from the address on the envelope sent to you by the court.

**Telephone Number:** (208) 438-5102

**Account or other number by which creditor identifies debtor:**

Check here if ☐ replaces this claim ☐ amends a previously filed claim, dated \_\_\_\_\_

**1. Basis for Claim**

- ☒ Goods sold  
☐ Services performed  
☒ Money loaned  
☐ Personal injury/wrongful death  
☐ Taxes  
☐ Other Farm Rentals and Real Property Sold See attached list

- ☐ Retiree benefits as defined in 11 U.S.C. § 1114(a)  
☐ Wages, salaries, and compensation (fill out below)  
 Your SS #: \_\_\_\_\_  
 Unpaid compensation for services performed from \_\_\_\_\_ to \_\_\_\_\_ (date) (date)

**2. Date debt was incurred:**

1993-2000-2001- 2002 (see attached list)

**3. If court judgment, date obtained:**
**4. Total Amount of Claim at Time Case Filed:**

\$ 134,630.15

If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below.

☐ Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.

**5. Secured Claim.**

☒ Check this box if your claim is secured by collateral (including a right of setoff).

**Brief Description of Collateral:**

- ☒ Real Estate ☐ Motor Vehicle  
☐ Other \_\_\_\_\_

**Value of Collateral:** \$ 120,000.00

**Amount of arrearage and other charges at time case filed included in secured claim, if any:** \$ \_\_\_\_\_

**6. Unsecured Priority Claim.**

☐ Check this box if you have an unsecured priority claim  
 Amount entitled to priority \$ \_\_\_\_\_

Specify the priority of the claim:

- ☐ Wages, salaries, or commissions (up to \$4,650)\* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3).  
☐ Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4).  
☐ Up to \$2,100\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6).  
☐ Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7).  
☐ Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8).  
☐ Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(\_\_\_\_).

\*Amounts are subject to adjustment on 4/1/04 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

**7. Credits:** The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.

**8. Supporting Documents:** Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. (X) NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.

**9. Date-Stamped Copy:** To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.

**Date**  
 7-29-2003

Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any):

Elmer Ketterling



**Penalty for presenting fraudulent claim:** Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

**Chapter 12 and 13 claims, along with any supporting must be filed in duplicate.**

**PROOF OF CLAIM**

U.S. COURTS

03-41318-12



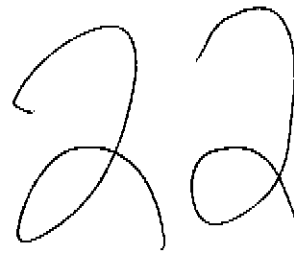
03-41318



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LYNN AND JEANNE KETTERLING, BK. CASE NO. 03-41318

SCHEDULE OF ITEMIZED CLAIM BASIS

UNSECURED:

Goods Sold:

1993. Sale of Farm Machinery and Tractors \$ 64,000.00

Farm Rentals Unpaid:

2000 Hay and Corn Rentals	1,365.15
2001 Hay and Pasture	6,000.00
2002 Hay and Pasture	6,500.00
2002 Wheat 55 acres at \$100 per acre	4,515.00
2002 Barley 33 acres at \$90 per acre	2,970.00
2002 and	
2003 6 acres rented at \$130.00 per acre	780.00

Cash Loaned:

Money Borrowed from Zions Bank and loaned  
to Debtors for Purchase of Livestock 45,000.00

Total Unsecured Debt \$131,130.15

SECURED DEBT:

Sale of 7.12 acres with home on October 25,  
1999, payable at \$500.00 per month during life  
of Elmer Ketterling or until \$150,000.00 has  
been paid.

Amount of delinquent payments for months of  
December, 2002, to and including June 2003 \$3,500.00

SEE ATTACHED WARRANTY DEED

444401

WARRANTY DEED

THIS INDENTURE, made this 21<sup>st</sup> day of October, 1999, by ELMER E. KETTERLING, a/k/a ELMER KETTERLING, dealing with his sole and separate property, ("Grantor"), and LYNN ELMER KETTERLING and REBECCA JEANNE KETTERLING, husband and wife, whose address is 100 North 160 West, Rupert, Idaho 83350, ("Grantee").

WITNESSETH:

The Grantor for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold and by these presents does grant, bargain and sell, convey and confirm unto the Grantee, and to the heirs and assigns of Grantee forever, all of the following described real estate situated in the County of Minidoka, State of Idaho, to-wit:

Part of the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 18 of Township 9 South, Range 24 East of the Boise Meridian, Minidoka County, State of Idaho.

Beginning at the south  $\frac{1}{4}$  section corner of Section 18 of T.9 S., R.24 E., B.M. said corner marked by a 5/8" rebar; Thence South 89 degrees 54 minutes 52 seconds West along the south line of Section 18 for a distance of 317.30 feet to the Point of Beginning; 2-10-2

THENCE South 89 degrees 54 minutes 52 seconds West along the south line of Section 18 for a distance of 465.53 feet;

THENCE North 00 degrees 18 minutes 54 seconds West for a distance of 25.00 feet to a 1/2" rebar;

THENCE North 00 degrees 18 minutes 54 seconds West for a distance of 642.16 feet to a 1/2" rebar;

THENCE South 89 degrees 38 minutes 07 seconds East for a distance of 467.21 feet to a 1/2" rebar;

THENCE South 00 degrees 10 minutes 21 seconds East for a distance of 638.49 feet to a 1/2" rebar;

THENCE South 00 degrees 10 minutes 21 seconds East for a distance of 25.00 feet to the Point of Beginning.

SUBJECT TO AND CONDITIONED upon payment by the Grantee, their successors or assigns, of Five Hundred Dollars (\$500.00) per month to the Grantor, or as he may direct, payable on the twentieth (20th) day of each month for the remainder of Grantor's life or until the full sum of One Hundred Fifty Thousand Dollars (\$150,000.00) has been paid, whichever occurs first. The Grantor shall have the right of reentry and reconveyance of the record title to the property in the event of Grantee's breach.

Said property contains 7.12 acres more or less and is subject to a 25 foot wide county road right of way along the south side and subject to a 20 foot wide irrigation ditch easement lying immediately north of the north right of way of said county road and subject to any other easements or right of ways, existing or of record.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to said property as well in law as in equity of the Grantor.

TO HAVE AND TO HOLD, all and singular the above-mentioned and described premises, together with appurtenances unto the Grantee and to the heirs and assigns of Grantee forever.

The Grantor shall and will warrant and by these presents will forever defend the said premises in the quiet and peaceable possession of the Grantee, and the heirs and assigns of Grantee against all and every person and persons whomsoever lawfully claiming the same, except as aforesaid.

IN WITNESS WHEREOF, the Grantor has executed this Deed the day and year first above written.

Elmer E. Ketterling  
ELMER E. KETTERLING

STATE OF IDAHO )  
County of CASSIA ) ss.

On this 21<sup>st</sup> day of October, in the year of 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared ELMER E. KETTERLING, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

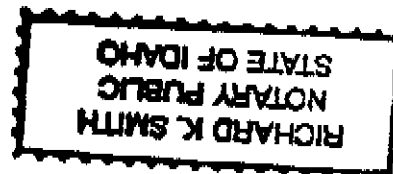
[Signature]  
Notary Public for Idaho,  
Residing at Bearley  
My Commission expires 12-2-2008

State of Idaho }  
County of Minidoka } ss.  
I hereby certify the foregoing to be a true and correct copy of the original Warranty Deed now on file or recorded in my office in Rupert, ID

Dated: April 7, 2000

Duane Smith  
Clerk, Auditor & Recorder

By Susan Astor Deputy



MINIDOKA COUNTY, IDAHO  
DUANE SMITH, RECORDER  
FEE 9 - DEPUTY 200

RECORDED AT REQUEST OF  
Elmer E. Ketterling  
FILE NO. \_\_\_\_\_

444401